

OFFICE OF THE GENERAL COUNSEL  
CLARK COUNTY SCHOOL DISTRICT  
S. SCOTT GREENBERG, ESQ.  
Nevada Bar No. 4622  
5100 W. Sahara Ave.  
Las Vegas, NV 89146  
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Attorneys for Defendants  
Rodriguez, Washington, Woolman,  
Peterson, Cabitu, Brimmer and  
Summers

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CLARK HAMER,

Plaintiff,

v.

CLARK COUNTY SCHOOL DISTRICT,  
et al.,

Defendants.

CASE NO.:

2:11-cv-00391-RLH-RJJ

EX PARTE MOTION FOR STAY OF DISCOVERY

COME NOW, Defendants Rodriguez, Washington, Woolman,  
Peterson, Cabitu, Brimmer and Summers, by and through their  
counsel, and hereby request the court stay discovery in this matter  
pending a decision on their Motions to Dismiss filed in this matter

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1 This request for a stay is due to the dispositive nature of the  
2 pending motions and a stay would save the parties the time and  
3 expense associated with unnecessary discovery. The Motion is based  
4 upon the following Memorandum of Points and Authorities and the  
5 other papers and pleadings on file with the Court in this matter.

6 DATED this 19<sup>th</sup> day of January, 2012.

7  
8 CLARK COUNTY SCHOOL DISTRICT  
Office of the General Counsel

9  
10 By: \_\_\_\_\_ /s/ 

S. SCOTT GREENBERG  
Nevada Bar No. 4622  
5100 W. Sahara Ave.  
Las Vegas, Nevada 89146  
Attorneys for Defendants

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13  
14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. INTRODUCTION**

16 This is a proper person Title VII lawsuit. Plaintiff worked  
17 in the District's maintenance department. Of the numerous  
18 defendants named in the complaint, seven (7) individual defendants  
19 that work for the District have been served.<sup>1</sup> Motions to dismiss  
20 have been filed by those served Defendants. Docket Nos. 20, 24 and  
21 31. Given the pending dispositive motions and vague nature of the  
22 current complaint, Docket No. 13, Defendants submit that engaging  
23 in discovery at this time would be an unnecessary process.

24 / / /

25  
26 \_\_\_\_\_  
27 <sup>1</sup> The complaint also names Sam Johnson, the former executive director of the Education  
28 Support Employees Association ("ESEA"). Counsel for ESEA has filed a motion to dismiss on  
behalf of Mr. Johnson/ESEA. Docket No. 17.

1 **II. LEGAL ANALYSIS**

2 Federal Rule of Civil Procedure 1 states that the rules of  
3 civil procedure are to be "construed and administered to secure the  
4 just, speedy, and inexpensive determination of every action." The  
5 rules of civil procedure allow a court to make orders regarding the  
6 timing and proceeding of the discovery process. Fed.R.Civ.P.  
7 16(c)(6); Fed.R.Civ.P. 26(d) and (f). District courts have "wide  
8 discretion in controlling discovery." Little v. City of Seattle,  
9 863 F.2d 681, 685 (9<sup>th</sup> Cir. 1988). A district court may properly  
10 stay discovery during the consideration of a dispositive motion if  
11 discovery will not be pertinent to the issues in the dispositive  
12 motion. Rae v. Union Bank, 725 F.2d 478, 481 (9<sup>th</sup> Cir. 1984); White  
13 v. American Tobacco, 125 FRD 508, 510 (D. Nev. 1989).

14 Plaintiff filed this action in proper person using the pro se  
15 civil rights template made available by the court. The only served  
16 Defendants have filed motions to dismiss. Those motions would be  
17 dispositive. As set out in these Defendants' motions to dismiss,  
18 individuals are not proper defendants under federal anti-  
19 discrimination statutes, and to the extent the complaint asserts  
20 Section 1983 claims, such are barred by the applicable 2-year  
21 statute of limitations. Additionally, the complaint is incredibly  
22 vague as to any factual allegations against these individual  
23 Defendants.

24 Defendants submit that engaging in discovery at this time is  
25 an unnecessary process that in all probability would be a waste of  
26 resources. There is virtually no possibility of the complaint  
27 surviving the pending motions. Therefore, it is requested that  
28 discovery be stayed pending a ruling on the motions to dismiss.

1 **III. CONCLUSION**

2 For the above stated reasons, these Defendants request that  
3 discovery be stayed pending a ruling on their motions to dismiss.  
4

5 Respectfully submitted,

6 CLARK COUNTY SCHOOL DISTRICT  
7 OFFICE OF THE ~~GENERAL COUNSEL~~

8 By: /s/ 

S. SCOTT GREENBERG  
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Las Vegas, NV 89146  
Attorney for Defendants  
Rodriguez, Washington, Woolman,  
Peterson, Cabitu, Brimmer and  
Summers

9 IT IS SO ORDERED.

10   
11 U.S. MAGISTRATE JUDGE

12  
13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on the 19<sup>th</sup> day of January, 2012, the  
15 foregoing **EX PARTE MOTION FOR STAY OF DISCOVERY** was served by e-  
16 service through the Nevada United States District Court CM/ECF  
17 System upon:

18 Frank Flaherty, Esq.  
19 Attorney for Defendant Johnson/ESEA

20  
21 /s/  
22 AN EMPLOYEE OF THE CLARK COUNTY  
23 SCHOOL DISTRICT  
24 (S. Scott Greenberg)  
25  
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